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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 10, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 207

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

Re: Division Order, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025-DO-92C, Folder #3, Emery County, Utah

Enclosed please find a Division Order and Finding of Permit Deficiency for the Bear Canyon Mine. If in your review of this order you have any questions, please call me or Pamela Grubaugh-Littig, Permit Supervisor.

Sincerely,

Lowell P. Braxton
Associate Director, Mining

jbe

Enclosure

cc: J. Helfrich
P. Grubaugh-Littig
H. Klein

A:\DOBC.LTR

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Wendell Owen
Co-Op Mining Company
Bear Canyon Mine
P.O. Box 1245
Huntington, Utah 84528

ORDER & FINDINGS
of
PERMIT DEFICIENCY

PERMIT NUMBER ACT/015/025

DIVISION ORDER # DO-92C

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Co-Op Mining Company, to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R645-303-220.

Findings of Permit Deficiency

- 521.140. Mine Maps and Permit Area Maps. These maps and/or cross-section drawings will clearly indicate:
- 521.141. The boundaries of all areas proposed to be affected over the estimated total life of the coal mining and reclamation operations, with a description of size, sequence and timing of the mining of subareas for which it is anticipated that additional permits will be sought; the coal mining and reclamation operations to be conducted, the lands to be affected throughout the operation, and any change in a facility or feature to be caused by the proposed operations;

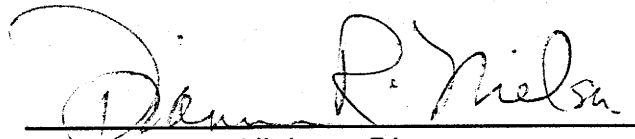
Currently area AU-2 is designated as an undisturbed area and not included within the disturbed area. After reviewing the definition of disturbed area, it is clear that parts of area AU-2 meet the criteria of disturbed area. As such, it will be necessary to realign the disturbed area boundary within this area (AU-2). Delineation of the new disturbed area boundary shall be done in conjunction with Division staff. After establishing the new disturbed area boundary in this region, all maps showing this information must be updated to reflect the change. In addition, it will be necessary to update the mine plan so that it complies with

all the necessary requirements of the R645 regulations for both operational and reclamation phases of the mine plan. Particular emphasis of the operational plan needs to be given to R645-301-742 for sediment control measures. Topsoil criteria must be fully addressed as set forth in Henry Sauer's Technical Deficiency Memo dated 19 March 1992 (attached). The reclamation bond must also be reviewed and found adequate to cover these changes.

Order

It is hereby ordered that Co-Op Mining Company make the requisite permit changes in accordance with R645-303-220 and submit a complete application for permit change, addressing the findings of permit deficiency by no later than 1 June 1992.

Ordered this 10th day of April, 1992, by the Division of Oil, Gas, and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

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DEPARTMENT OF NATURAL RESOURCES
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355 West North Temple
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Salt Lake City, Utah 84180-1203
801-538-5340

March 19, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Henry Sauer, Senior Reclamation Soils Specialist *HS*

RE: Division Order Item #8 and Technical Deficiency, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #2, Emery County, Utah

Synopsis

The permittee responded to my August 6, 1991 technical deficiency memo on December 30, 1991. Item #8 of the Division Order was also partially addressed. Issues remain which must be adequately addressed prior to the completion of the permit review.

Analysis

R645-300-133.700

The issue of air borne coal fine deposition outside of the disturbed area boundaries, to date, remains unresolved. No proposal to demonstrate the effects of coal fines on the vegetation has been proposed. Mr. Patrick Collins of Mount Nebo Consultants, representing the permittee on this matter, has tentatively arranged for an on-site meeting in early spring to discuss the proper sampling methodology to determine the effects of coal fines on vegetation.

The more important issue is whether or not the areas impacted by coal fines are in fact "Affected Area(s)" and if so the programmatic ramifications with regards to reclamation and sediment control for the area(s) in question. In my opinion, areas with substantial coal fine deposition are "Affected and/or Disturbed Areas". Therefore these areas must be bonded, have surface runoff adequately treated and be reclaimed by proven and approved methods.

R645-301-140 Maps and Plans

Plate 8-5A and 3-2A are erroneous. The access road to the Ballpark Topsoil Stockpile has been omitted from the disturbed area. At the time when this area was approved as an incidental boundary change, the access road was included as part of the disturbance. The status of the road has not change and must be included within the disturbed area. Please make necessary changes.

R645-301-233 Topsoil Supplements and Substitutes

The permittee has submitted laboratory results from the soil/spoil samples collected in 1991. In the December, 1991 cover letter, the permittee requested that the Division derive a finding, based on lab data, with regards to the suitability of the proposed substitute topsoil material. While the suitability of the in place material has been discussed and reviewed with Mr. Patrick Collins, specific analysis regarding suitability and plans for the handling and preparation of the proposed substitute topsoil material has not been submitted.

The permittee must submit an analysis and a topsoil management plan, for inclusion in the PAP, which discusses the suitability of the proposed topsoil, its segregation during backfilling and grading operations, and interim treatment which will enhance the quality of the material as a plant growth medium. The analysis and plan must consider the limiting factors of the proposed topsoil and how these factors will be managed now and at the time of final reclamation.

The revegetation test plot within the downcast material along the Hiawatha Portal Access Road has been inaccurately depicted on the hydrology and surface facilities map. Please revise all maps to correctly show the true location of the test plot.

R645-301-242 Soil Redistribution

The characterization of the regraded spoil/soil prior to seeding must be revised. The frequency of sampling should be on a per acre basis. The recommended frequency is one sample site per acre. In addition, commitments must be made to collect additional soil samples in the event that the initial sample results indicate unsuitable material.

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Bear Memo
ACT/015/025
March 19, 1992

Plates 8-5, A through D, depicts areas which will not require grading. The following sites are disturbed and in accordance with the post-mining contours and grading plans in the PAP will be redisturbed during reclamation activities: downcast material below the Upper Storage Yard; area below the substation; downcast below the Lamp House Yard. In addition, all stippled areas must meet reclamation standards as set forth in the R645 Rules and adhere to the reclamation specifications within the PAP. Please make necessary changes.

R645-301-513.300 Underground Development Waste

This section has not been adequately addressed. The deficiencies enumerated in the August 6, 1991 deficiency memo remain unresolved and must be adequately addressed.

R645-301-623.100

The permittee must include, on an appropriate map, the sample site location for the collection of roof, floor and mid-seam material within the proposed lease tract addition.

jbe
BEAR.TD